

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DWANVAE PEARSON,

Case No. 3:21-cv-00204-ART-CSD

Plaintiff,

ORDER

v.

G. CARPENTER, *et al.*,

Defendants.

Pro se Plaintiff Dwanvae Pearson brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig Denney (ECF No. 47), recommending dismissal of Plaintiff’s action without prejudice based on Plaintiff’s failure to update his address as ordered by the Court on April 17, 2023 (ECF No. 45). Plaintiff had until May 23, 2023 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this action.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review,
2 and is satisfied Judge Denney did not clearly err. Here, Judge Denney
3 recommends dismissal of this action because Plaintiff has failed to update his
4 address with the Court, which caused multiple mailings to be returned as
5 undeliverable and which contravenes the Court's express order for Plaintiff to
6 update his address. (ECF No. 47 at 1-2.) Judge Denney further recommends that
7 Defendants' motion for summary judgment (ECF No. 36) and motion for leave to
8 file document under seal (ECF No. 37) be denied as moot in light of the
9 recommended dismissal of this action for failure to provide an updated address.
10 (*Id.* at 3.) The Court agrees with Judge Denney. Having reviewed the R&R and the
11 record in this case, the Court will adopt the R&R in full.

12 It is therefore ordered that Judge Denney's Report and Recommendation
13 (ECF No. 47) is accepted and adopted in full.

14 It is further ordered that this action is dismissed without prejudice based
15 on Plaintiff's failure to provide an updated address in compliance with this
16 Court's April 17, 2023 order (ECF No. 45).

17 It is further ordered that Defendants' motion for summary judgment (ECF
18 No. 36) and motion for leave to file document under seal (ECF No. 37) are denied
19 as moot.

20 The Clerk of Court is directed to administratively close this case.

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22 DATED THIS 7th day of July 2023.

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26 ANNE R. TRAUM
27 UNITED STATES DISTRICT JUDGE
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